



DISTRICT COURT OF MARYLAND FOR BALTIMORE

(City / County)

LOCATED AT (COURT ADDRESS)

120 E. CHESAPEAKE AVE., TOWSON, MD 21286

DISTRICT COURT
CASE NUMBER

13-054-0214

DEFENDANT'S NAME (LAST, FIRST, M.I.)

HUFF, JOHN STODDARD

3RD

MAFIS NAME

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STATEMENT OF PROBABLE CAUSE (CONTINUED)

ARREST ON TRAFFIC / NATURAL RESOURCES / MASS TRANSIT CITATIONS / CRIMINAL CHARGES / MUNICIPAL ORDINANCES / PUBLIC LOCAL LAWS

On 02/23/2013, at 0229 hours, I, OFC Bordner #4974 was on marked patrol on Washington Avenue at York Road. I observed a silver Jeep Grand Cherokee traveling Northbound on York Road with no headlights illuminated. I followed the Jeep bearing Maryland registration, 7AB3171, Northbound on York Road. The traffic light turned red at the intersection of York Road at Bosley Avenue. I observed the Jeep continue northbound with no braking for the approaching red light. The driver of the Jeep suddenly applied the brakes hard and came to a stop two car lengths north of the intersection (past the crosswalk). Upon the light turning green, I activated my emergency lights and siren to stop the Jeep. The Jeep continued a half a block northbound on York Road and pulled onto the parking lot of 909 York Road.

I approached the white male driver, advised him of the reasons for the traffic stop and requested his driver's license and the vehicle registration card. The driver stated, "Don't you know who I am? You stopped me on my own property." I acknowledged that I recognized the driver to be Baltimore County Councilman, Todd Huff. I also advised Defendant Huff that I initiated the traffic stop on York Road and he made the decision to pull onto the parking lot. As Defendant Huff spoke to me, I detected a strong odor of an alcoholic beverage emanating from his breath and person and his speech to be slurred. I also observed his eyes to be glassy and bloodshot. I repeated my request for his driver's license and the vehicle registration card. He

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AGENCY	AE	SUB-AGENCY
	06	TR. NO.
		4974



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presented his driver's license positively identifying him as John Stoddard Huff, 3rd (MAV, DOB: 05/01/1988). He asked me, "What did you stop me for again?" I again advised him he was operating his vehicle without his headlights on. Defendant Huff reached down and turned the headlight switch forward, which turned his headlights/taillights on. It should be noted the lights were in proper working order, once turned on. I asked Defendant Huff if he had been drinking alcoholic beverages. He stated, "Yeah I've had a few drinks." I asked him where he was coming from. He stated, "You mean right now?" I advised yes. He replied, "The Elks, the lodge." I requested a supervisor to respond to my traffic stop.

Cpl Worden #3798 arrived to assist with the traffic stop. I asked Defendant Huff to exit the Jeep. As he exited the Jeep, I observed him grip the door frame and driver's door for support and pull himself out of the vehicle. He then stumbled and utilized the driver's door to regain his balance/steady himself. He then said, "Do we really need to be doing this? You need to just take me home and be done with this. You can just drive me home I will just leave the car parked here." I observed Defendant Huff swaying heavily from side to side and he took small shuffle steps to attempt to maintain his balance. I asked Defendant Huff if he would be willing to perform field sobriety tests, which he agreed to complete.

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I am certified to perform the Horizontal Gaze Nystagmus (HGN) Test. Defendant Huff said he had no eye problems that would prevent him from performing the test. I asked if he wore corrective lenses. He stated he was wearing contact lenses. I instructed him to hold his head still and only follow the stimulus (pen) with his eyes. I asked Defendant Huff if he understood my instructions. He looked at Cpl. Worden and asked the corporal if this was all necessary and if we really needed to be doing 'this.' Cpl Worden advised Defendant Huff to listen to my instructions if he was going to complete the tests. I had to repeat the instructions a second time. Defendant Huff stated he understood my instructions. I had to reinstruct him three times to hold his head still and only follow the pen with his eyes. The defendant's eyes were checked and found to track equally and have equal pupil size. The defendant showed six (6) of six (6) clues. In both eyes, the defendant showed lack of smooth pursuit, distinct and sustained nystagmus at maximum deviation and onset of nystagmus prior to 45 degrees. Defendant Huff also showed Vertical Gaze Nystagmus.

I then explained and demonstrated the Walk and Turn. A flat section of parking lot, free of debris with a white parking stall line was used. Defendant Huff said he had no physical problems/disabilities that would prevent him from completing the tests. During my instructions, Defendant Huff stumbled and staggered on his feet. Also during the instructions stage, the

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defendant lost his balance four times. Each time I instructed the defendant to return to the starting position and remain there until told to begin. Again upon my completing the instructions and demonstration he addressed Cpl Worden and asked him if 'this' was all really necessary. Cpl Worden referred Defendant Huff back to me. I again instructed the defendant to return to the starting position and asked if he understood the instructions. He stood staring at me. I asked him if he needed me to repeat the instructions/demonstration. He stated, "Yes, I don't remember what you said to do." I again demonstrated and instructed the defendant in the Walk and Turn in its entirety. Defendant Huff stood with his right foot behind his left foot, although I instructed him four times how his feet should be positioned. I asked if he understood my instructions and he stated, "yes." Defendant Huff raised his arms to chest height for balance throughout the test and missed heel to toe between all steps. He stepped off the line on steps 2, 4, 5, 7 and 9. He stopped walking on steps 2, 4, and 9 to regain his balance as he stumbled to the side. He took 10 steps down the line. The defendant turned taking small steps with both feet to turn around. Defendant Huff completed 9 steps back, again using his arms for balance and missed heel to toe between all steps. He stepped off line, stumbled and stopped walking on steps 3, 5, 6, and 7. Defendant Huff exhibited 7 of 8 clues.

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I then explained and demonstrated the One Leg Stand. The defendant again looked to the corporal, this time just saying, "Corporal" and staring at the corporal. I had to repeat the instructions two times. I asked Defendant Huff if he understood my instructions and wished to continue with the field sobriety tests. He acknowledged he would continue. He stood on his right foot and raised his left foot. He immediately began hopping and raised his arms for balance. He swayed while balancing and put his foot down four times. He did not count out loud. I had to remind him to count out loud. He then began counting, "1, 2, 3...10", not as instructed. Defendant Huff showed 4 of 4 clues.

At 0243 hours, I arrested the defendant and transported him to Towson Precinct for further processing. At 0257 hours, I read the defendant his DR-15 Advise of Rights. He kept asking me what he should do. I referred him back to the DR-15 stating to him that he had to make the decision, I could not give advice and would not give advice regarding his decision to agree or decline to take the breath test. I referred him back to the DR-15 and again offered him a copy of the DR-15 for him to review. He repeatedly refused to make a decision regarding the breath test. He requested to make a phone call. I asked whom he wished to contact. He stated he was going to try and call "Jim Johnson." He attempted to make a phone call from his cell phone, however the person did not answer the phone. The defendant chose to leave a

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message in which Defendant Huff said that he was stopped driving his car with no headlights on and he had had a couple of drinks. Then he requested that the person return his phone call. He made repeated attempts to obtain advice from myself, Cpl Worden and Lt. Green #3488 regarding whether to take the breath test. Lt. Green offered to allow him to contact an attorney if he wished to consult with one. Defendant Huff declined stating he did not like attorneys. At no time did any officer give Defendant Huff advice as to how to proceed regarding the breath test. At 0400 hours, Defendant Huff signed the DR-15 and elected to take the breath test, administered by OFC Winkler #3823. On 02/23/13, at 0412 hours, Defendant Huff provided a breath sample of .20 grams of alcohol per 210 Liters of breath. I issued the defendant the appropriate citations and forms and he was released on citation to Cheryl Huff, at 7 Felton Rd.

The Jeep, registered to Baltimore County Government, was parked and locked on the parking lot of 909 York Road.

All above events occurred in Baltimore County, Maryland.

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Please summons the following:

Cpl Worden #3798, PC 06, 115 W Susquehanna Ave, 21204

Lt. Green #3468, PC 06, 115 W Susquehanna Ave, 21204

This officer respectfully requests morning court with dates: 7/9/13 8/5/13 8/19/13 10/15/13

11/4/13 11/18/13

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